

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOSE GARCIA, an incapacitated  
person,

Plaintiff,

v.

GRANDVIEW SCHOOL DISTRICT NO. 200,  
and their Board of Trustees;  
Russell K. ("Kevin") Chase,  
individually and as a School  
District employee; John W. Mathis,  
individually and as a School  
District employee; Rick Ramos,  
individually and as a School  
District employee; Barbara Merz,  
individually and as a School  
District employee; Thora Michels,  
individually and as a School  
District employee; Irma Gonzalez-  
Ramos, individually and as a  
School District employee; Diann  
Zavala, individually and as a  
School District employee,

Defendants.

No. CV-10-3118-EFS

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFF'S  
MOTION FOR PROTECTIVE ORDER  
REGARDING THE DEPOSITION OF JOSE  
GARCIA**

Plaintiff Jose Garcia seeks a protective order for his upcoming deposition. ECF No. 105. Defendants oppose the motion. After reviewing the record and relevant authority, the Court finds a limited protective order is necessary under Federal Rule of Civil Procedure 26(c) given Plaintiff's limited language, development, and communication abilities. The Court limits the individuals who can attend the deposition and the length of the deposition. However, the

1 Court denies Plaintiff's request that counsel be permitted broad leave  
2 to make objections. As is the usual practice, Plaintiff's counsel and  
3 treatment providers may discuss with Plaintiff about the nature of a  
4 deposition and appropriately prepare him for the deposition. Yet,  
5 during the deposition, Plaintiff's counsel may object only to the form  
6 of the question; otherwise, Defendants will not be able to have the  
7 usual opportunity to evaluate the witness or prepare for trial.

8 Accordingly, **IT IS HEREBY ORDERED:**

9 1. Plaintiff's Motion for Protective Order Regarding the  
10 Deposition of Jose Garcia, **ECF No. 105**, is **GRANTED IN PART**  
11 **AND DENIED IN PART.**

12 2. Jose Garcia's deposition shall be held pursuant to the  
13 following structure and limitations:

- 14 a. only one attorney for each side can attend;
- 15 b. an American sign language and Spanish language  
16 interpreter can attend;
- 17 c. Plaintiff may choose to have either the psychologist  
18 or neuro-psychologist attend, but not both, and  
19 Defendants' neuro-psychologist may not attend, as  
20 there is nothing in the record from that person  
21 demonstrating the importance of his/her attendance;
- 22 d. Plaintiff's counsel may object only to the form of  
23 the question; and
- 24 e. the deposition may span two days, but each day is  
25 limited to three 50-minute sessions with each session  
26

1 separated by at least a 15-minute break or, if the  
2 parties agree, a longer break.<sup>1</sup>

3 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this  
4 Order and provide copies to all counsel.

5 **DATED** this 22<sup>nd</sup> day of April 2014.

6  
7 s/ Edward F. Shea  
8 EDWARD F. SHEA  
9 Senior United States District Judge  
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24 <sup>1</sup> If Defendants need additional deposition time, Defendants can continue  
25 the deposition and move for additional time and attempt to show good cause  
26 for the additional deposition time.